

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

Row Vaughn Wells, Individually and as
Administratrix Ad Litem of the Estate of
Tyre Deandre Nichols, deceased.

Case No. 2:23-CV-02224

Plaintiff,

vs.

The City of Memphis, a municipality;
Chief Cerelyn Davis, in her official capacity;
Emmitt Martin III, in his individual capacity;
Demetrius Haley, in his individual capacity;
Justin Smith, in his individual capacity;
Desmond Mills, Jr., in his individual capacity;
Tadarrius Bean, in his individual capacity;
Preston Hemphill, in his individual capacity;
Robert Long, in his individual capacity;
JaMichael Sandridge, in his individual capacity;
Michelle Whitaker, in her individual capacity;
DeWayne Smith, in his individual capacity and
as an agent of the City of Memphis.

**PLAINTIFF'S MOTION
FOR EXTENSION OF
TIME TO FILE MEDIATION
STIPULATION**

Defendants.

**PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO FILE MEDIATION
STIPULATION**

Plaintiff, by and through her attorneys, hereby files this Motion for Extension of Time to File Mediation Stipulation. In support thereof, Plaintiff states as follows:

1. On April 19, 2023, Plaintiff filed her Complaint against Defendant City of Memphis, Defendant Chief Cerelyn Davis, and other Defendants. ECF Dkt. 1.
2. On September 21, 2023, this Court entered its Scheduling Order following the Scheduling Conference held pursuant to Local Rule 16.1.

3. Among other relevant deadlines, the Court set the Selection of Mediator Pursuant to ADR Plan Rule 5.4(c)(2) and Stipulation Filing Date for December 1, 2023.

4. The parties have since met and conferred via email at the initiation of Plaintiff's Counsel. *See* Certification of Consultation *infra*.

5. Those parties responding all agreed that the parties need more time to discuss the selection of a mediator and the prospects of mediation. *Id.*

6. The parties have begun exchanging initial discovery and a number of motions are currently on file while certain Defendants are subject to a stay entered by this Court.

7. Plaintiff seeks an additional 21 days until December 22, 2023 for the parties to meet, confer, and provide the Court with a Mediation Stipulation.

8. This motion is not being brought for undue delay or lack of preparation on behalf of any party; it is being brought in good faith.

WHEREFORE, Plaintiff respectfully requests that this Court grant this Motion for Extension of Time and permit the parties to file their Mediation Stipulation by December 22, 2023.

Dated: December 1, 2023

Respectfully Submitted,

/s/ Bryce T. Hensley
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CERTIFICATE OF CONSULTATION

I, Bryce T. Hensley, hereby certify that I emailed all Counsel of Record on November 30, 2023 to propose an extension of time to file a stipulation regarding mediation. Counsel for the City of Memphis and Chief Davis; Counsel for Preston Hemphill and DeWayne Smith (individually); Counsel for Michelle Whitaker; and Counsel for Robert Long were in agreement with the proposed relief sought. Counsel for the remaining Defendants did not respond nor have they discussed the Stipulation with Plaintiff's Counsel on any prior occasion.

s/ Bryce T. Hensley

Bryce T. Hensley

CERTIFICATE OF SERVICE

I, Bryce Thomas Hensley, hereby certify that on December 1, 2023, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, and that upon filing, such system will serve a copy of the foregoing upon all counsel of record in this action.

s/ Bryce T. Hensley

Bryce T. Hensley